

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA ZUCKERMAN, an infant,)	
by her Parent and Natural Guardian)	
ROBERTA ZUCKERMAN,)	
and ROBERTA ZUCKERMAN,)	
plaintiff,)	No. 08 Civ. 3913 (NRB) (KNF) ECF
v.)	
)	
CAMP LAUREL,)	
defendant.)	
)	

**DEFENDANT’S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, TO TRANSFER UNDER 28 U.S.C. § 1404(a) OR
TO DISMISS BECAUSE OF LACK OF PERSONAL JURISDICTION**

The defendant, Coastal Camps, Inc., d/b/a Camp Laurel (sued incorrectly as “Camp Laurel”), moves to dismiss this action on the grounds of improper venue under Fed. R. Civ. P. 12(b)(3) or 28 U.S.C. § 1406(a) or, in the alternative, to transfer the action to the United States District Court for the District of Maine under 28 U.S.C. § 1404(a) or § 1406(a), because the contract between Camp Laurel and the plaintiffs contains a fully enforceable forum-selection clause requiring that any lawsuit against Camp Laurel be filed only in a court in Maine, where Camp Laurel is located.

In the alternative, Camp Laurel requests that the case be dismissed under Fed. R. Civ. P. 12(b)(2) because it has insufficient contacts with New York to be subject to personal jurisdiction here.

This motion is supported by the accompanying Memorandum and the Declaration of Keith M. Klein.

Dated: May 14, 2008

Respectfully submitted,
the defendant,
COASTAL CAMPS, INC., d/b/a CAMP LAUREL,
by its attorneys,

/s/ _____
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--and--

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Certificate of Service

I, Rodney E. Gould, counsel for the defendant, hereby certify that on this 14th day of May 2008, I filed through the ECF system the foregoing Defendant's Motion to Dismiss or, in the Alternative, to Transfer under 28 U.S.C. § 1404(a) or to Dismiss Because of Lack of Personal Jurisdiction, and that I also served it on counsel for the plaintiffs by mailing a copy of it, by U.S. first-class mail, postage prepaid, to their counsel of record:

Allan R. Zaroff, Esq.
Werner, Zaroff, Slotnick, Stern & Ashkenazy PLLP
360 Merrick Road
Lynbrook, NY 11563

/s/ _____
Rodney E. Gould